

The Development and Implementation of EULEX Policy in Northern Kosovo

An Investigation into how EULEX Operational Policy has been developed and implemented, with regards to the situation of Parallel Governance in Northern Kosovo since 2009.

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Abstract

In this thesis, the development and implementation of EULEX policy in northern Kosovo since the declaration of independence in 2008, after which the rule of law systems were placed under EU supervision, will be investigated.

As the security situation has become more secure, independence has gained more international credibility and the topic of Serb-Albanian relations in the north is being increasingly brought to light due to an enthusiastic Serbian bid for EU accession. In this thesis the way in which EULEX policies have been developed and implemented with regards to the system of parallel governance will be explored.

This thesis will first examine how policy implementation has developed or changed over time, with relation to the relationships that play a relevant role, both political elites and 'ordinary' social relations. Additionally, this thesis explores the international community's relationship with the parallel system, how they (and specifically EULEX) work around it. Finally, it examines the relationship between Serbs and Albanians, and considers some of the potential outcomes for the north in the future.

Data for this thesis has been collected from primary sources in the form of interviews and meetings in Kosovo with members of political and social organisations as well as 'ordinary' people during a field visit in March 2015 and through secondary sources, including academic texts, journalistic articles and political policy documentation, accessed at EULEX and unavailable to the wider public.

The presence of the Serb authorities in the North will be questioned here, as well as the EU's use of the Serb accession bid as a bargaining chip, as Serbia has shown itself to be willing to integrate EU policies. The bid is the driving force in the reconciliation process, and if Serbia is serious about its EU ambitions, it will likely have to sacrifice its claims to Kosovo, and thus the focus of the international community needs to be on accelerating this process. This research has demonstrated the mistrust and animosity amongst the people of the north and the authorities who govern them, deepened by outdated policies that increase segregation.

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Author's note

This thesis has used the terms 'Serb' and 'Serbian', with 'Serb' referring to ethnic Serbs in Kosovo, and 'Serbian' referring to inhabitants of the current Federal Republic of Serbia. 'Serbian' also refers to the Serb-Croatian language spoken by Serbs. Albanian refers to both the language and ethnic Albanian residents of Kosovo.

The term 'Belgrade' refers to the government of Serbia, whilst the term 'Prishtina' refers to the government of Kosovo, rather than their respective geographical locations.

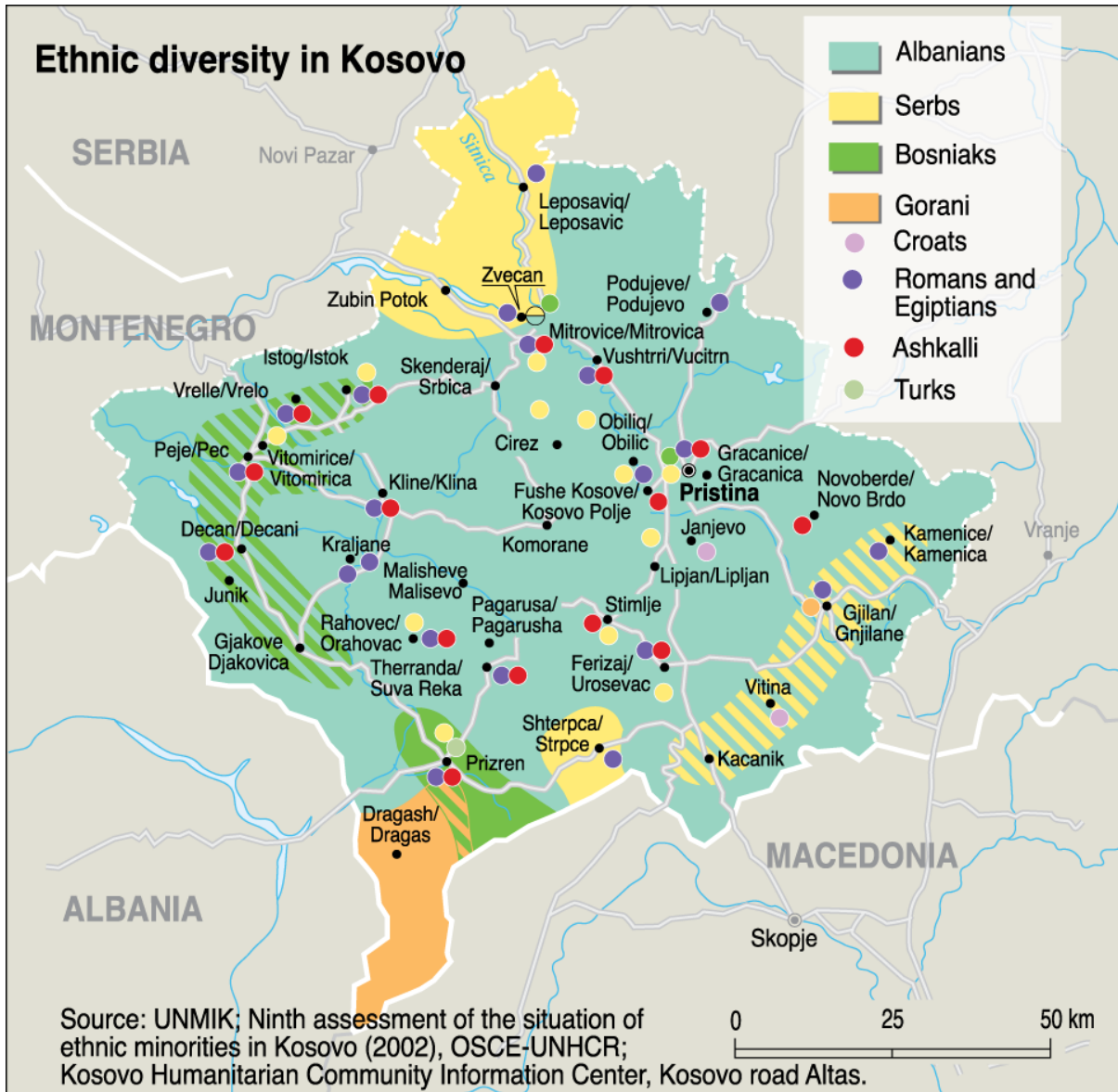
Place names will be referred to in the format of the majority population in that particular location. For example, when referring to the northern part of Mitrovicë/Kosovska Mitrovica, this thesis will use the term 'Mitrovica', as the majority of the population is ethnically Serb.

Finally, the term 'the north' refers to the largely Belgrade-governed northern Principality of Mitrovica. It is known in Albanian as Mitrovicë, in Serbian as Косовска Митровица / Kosovska Mitrovica, and in Turkish as Mitroviça. When discussing the Serb dominated northern side of town, it will be referred to hereafter as Mitrovica, as per the (shortened) majority (Serb) pronunciation.

Glossary

CBM	Community Building Mitrovica (NGO)
CEFTA	Central Europe Free Trade Agreement
EC	European Commission
EU	European Union
EULEX	European Union Rule of Law Mission in Kosovo
FRY	Federal Republic of Yugoslavia
FTA	Free Trade Agreement
ICG	International Crisis Group
ICTY	International Criminal Tribunal for the former Yugoslavia
IICK	Independent International Commission on Kosovo
INTERPOL	International Criminal Police Organization
KFOR	Kosovo Force [NATO Mission in Kosovo]
KP	Kosovo Police
LDK	Democratic League of Kosovo
MUP	Serbian Ministry of Internal Affairs
NATO	North Atlantic Treaty Organisation
NGO	Non-Governmental Organisation
OMiK	OSCE Mission in Kosovo
OSCE	Organisation for Security and Co-operation in Europe
SFRY	Socialist Federal Republic of Yugoslavia
SNS	Serbian Progressive Party
SPU	Supplementary Police Unit
UN	United Nations
UNMIK	United Nations Interim Administration Mission in Kosovo
UNSC	United Nations Security Council
UNSCR	United Nations Security Council Resolution

Ethnic map of Kosovo (2002)



Source: UNMIK: Ninth assessment of the situation of ethnic minorities in Kosovo (2002), OSCE-UNHCR; Kosovo Humanitarian Community Information Center, Kosovo road Atlas

Chapter 1: Introduction

1.1 The country of Kosovo

Kosovo, with the Republic of Serbia to the north and east, Montenegro and Albania to the West, and Macedonia to the south, is a geographically small country with a population of just 1.8 million people (KAS, 2015). Formerly a part of the Socialist Federal Republic of Yugoslavia (SFRY), under which it held the position of an autonomous state, Kosovo now holds full independent status.

The SFRY consisted of six socialist republics (Serbia, Croatia, Slovenia, Montenegro, Macedonia and Bosnia and Herzegovina) and two autonomous socialist provinces located within the borders of the Serbian Republic (Kosovo and Vojvodina). During the 1980s, increasing regional nationalism, economic crisis and political unrest led ultimately to the breakup of the (largely Serb-dominated) SFRY (Jović, 2009, p. 19). On this wave of nationalism rode Slobodan Milosevic, a Serb who was keen to maintain his country's strong position and control over Vojvodina and Kosovo. Years of Serbian abuses culminated in the involvement of the North Atlantic Treaty Organization (NATO), who led a bombing campaign against the Federal Republic of Yugoslavia (FRY), which led to Serbian withdrawal from Kosovo and to Kosovo falling under the international transitional administration of the United Nations Mission in Kosovo (UNMIK) in 1999.

1.1.1 Kosovar Independence in 2008

Kosovo declared independence on 17th of February 2008, in what was seemingly a final move, taking control away from UNMIK and being placed under the guidance of the European Union (EU), in the form of the European Union Rule of Law Mission (EULEX). In addition to these, many international organisations have been involved in Kosovo's post-war political process, such as the North Atlantic Treaty Organisation (NATO) and the Organisation for Security and Cooperation in Europe (OSCE).

Following the International Court of Justice (ICJ) advisory opinion in July 2010 on the legality of the Kosovar declaration of independence, the International Crisis Group (ICG) considered that Kosovo and Serbia had "an opportunity to resolve differences, establish bilateral relations and unblock their paths to greater EU integration. The obstacles are formidable, including mutual suspicion, incompatible agendas and uncertainties about the true goals of each" (ICG, 2010). This is a clear demonstration that greater role within the EU is being considered for both countries, once these obstacles have been crossed.

Kosovo-Serbian relations have by no means been perfected in the five years since this ICG publication, and despite the formal implementation of the declaration of independence there are still considerable obstacles to be crossed. Today, seven years after the declaration, a situation of true independence is still not evident in Kosovo, and the Kosovo government is heavily supported by international organisations playing governing roles in the majority of the country, and Serbian-governed municipalities governing (almost autonomously) pockets of Kosovar territory (Bajrami, 2013). In addition to this, Kosovo as an independent state is recognised by only 111 UN member states, out of 193 (kosovothanksyou, 2015). The security situation in Kosovo is gradually improving, and the declaration of independence has gained substantial credibility internationally (being recognised by and being involved in EU accession debates), and it would appear that nationally there is increasing acceptance of the political system and acceptance of the minority Serbs in the north despite the persistent problems. While an ideal situation would have had both ethnic Albanians and Serbs living together harmoniously in Kosovo, the reality is that the Serb population has been reduced

further into small enclaves around the country that had begun to emerge even before 1999 (ICG, 2010).

1.1.2 Ethnic divide

Kosovo has long been divided along ethnic lines. The Serbian percentage of the population has reduced from 9.9% in 1991 to 1.5% in 2011 (KAS, 2015), compared with a 92% Albanian population in 2011 (Beha, 2014, p. 86), suggesting that many Serbs have preferred to leave rather than stay and resolve ethnic differences. This survey excluded the “four main Serb municipalities of Leposavić/Leposaviq, Zubin Potok, Zvečan/Zveçan and north Mitrovica/Mitrovicë” (Beha, 2014, p. 86), leading to a pledge by Belgrade to conduct its own census. There remains no official data for these areas. Serbs and Albanians lived in relative peace during the early period of the SFRY, with each learning the other’s language in schools and living in close proximity with one another in contrast to the clearly visible physical divide today (Frontline, 2014), and this is particularly evident on the boundary lines of north Mitrovica, a Serb-governed region to the north of the Ibar River, which runs through the centre of town. The Ibar Bridge, the main bridge in the centre of town that runs across the river that divides the town, has long been guarded by international forces, and is currently being supervised by Italian Carabinieri (National Military Police) (CBM-MS, 2015). In the centre of the bridge lies a physical concrete obstacle (see Fig. 1, appendix), decorated by pot plants and a small area of grass, which in itself is symbolic of the thinly veiled tension at the boundary between the two regions, purportedly part of the same unified country. Although there are several pockets of Serbs throughout Kosovo, the research for this thesis focussed on the northern region of Mitrovica.

The current situation in the north (see Author’s Note) is one of parallel governance. This refers to a situation in which there are two governments governing (or attempting to govern) the same area. In this case, one ‘government’ is that of the Republic of Kosovo (RKS, referred to as Kosovo), which administers the Albanian southern side of Mitrovica, but is supported in rule of law functions such as the judicial system and police in the north by EULEX. Kosovo government plays little obvious role in the north, where the Belgrade-funded and Belgrade-answerable Serb mayor and municipality of northern Mitrovica operates. Governed largely as though it were an extension of Serbia within Kosovo, the north feels distinctly different to the south. A source in the area stated that “the Serbs will say there is no border [between north Mitrovica and Serbia]. There are two crossing points. But it is Serbian all the way to the border” (CBM-MS, 2015). At a day-to-day level there is Serbian currency, Serbian language, Serbian mobile phone networks, and (if any) Serbian car registration plates, leaving one with the feeling of having left Kosovo entirely. These issues will be discussed at length later, particularly in the chapter relating to parallel governance.

1.2 Aims and Research Question

The aim of this thesis is to explore how policy implementation (particularly of EULEX) has changed or developed in the time since the Kosovar declaration of independence, in 2008. We will firstly look at how (primarily EULEX) policy has developed and been implemented (for example through institutions such as the courts and police) with regards to the system of parallel governance. Secondly the thesis will address how relevant political relationships in the matter have changed over time. In particular, the thesis will examine the condition of the relationship between EULEX and the Serbs in the north, and what are the challenges that this relationship is causing/has caused, and will secondly explore the relationship between Belgrade and Prishtina, and the emerging challenges. The idea of relationships will play a key role in this thesis, as it can be argued that the changing dynamics of relationships between the Serb and Albanian ethnic groups, international organisations, Prishtina, Belgrade and Brussels play critical roles in shaping the implementation of new policy and therefore in

the process of progression and development. In 2011, the international community decided to endorse the system of parallel governance, or 'dual sovereignty' (ICG, 2011), with the intention of focussing on the mediation of relations between Serbia and Kosovo, rather than creating a conventional system of governance. Since then, policy has adapted to the parallel system and the research for this thesis explored how this has been managed, as well as what happened in the lead up to this decision, primarily between 2008 and 2011. The main objective of this research paper is to uncover the answers to the following questions.

Firstly, the question of how EULEX operational policy has worked (and continues to work) around the unusual system of parallel governance since its endorsement by the international community in 2011.

Secondly, the adaption of (primarily EULEX's) policy implementation since the international community's acceptance of parallel governance in relation to UN policies prior to 2009 will be investigated. Once a policy has been generated, there is the question of how it can effectively be implemented. Factors that impact policy implementation may be local, such as local ethnic tensions, national, such as the current political system and atmosphere in the country at the time, or international, taking into account relations with neighbours (primarily Serbia), the EU, international organisations and the international community.

Thirdly, the effect of the relationship between the international community (primarily EULEX) and Serbs in both Kosovo and Belgrade on policy implementation. This thesis will explore the dynamics of this relationship, focussing on the reception of policy by the local community, the level of involvement that the local community and local elites have in policy implementation, and finally what precautions EULEX takes in policy implementation with regard to ethnic tensions. This is important because Serbia plays such a key role in the north, a complex political field, and factors such as the EU accession are highly influential in the practical involvement of Belgrade. For example, in the north, Belgrade keeps Kosovo Police (KP) officers on the Serbian Ministry of Internal Affairs (MUP) payroll, undermining Kosovar autonomy¹.

Finally, to follow on from the previous question, the thesis will explore Albanian-Serb relationship with and reception of the international community, with a particular focus on political elites. It can be hypothesised that there will be a different relationship and reception from both ethnic groups. This will demonstrate which factors are holding back the process of political development, and whether issues are more likely to be successfully addressed from the perspective of either the Albanians or Serbs. For example, the fact that not only number of Serbs in Mitrovica state, but also Albanians in Prishtina (personal visit, 2015) said that they felt that EULEX was there as a ruler rather than as an ally suggests that tactics may need to be changed.

1.3 Chapter Outline

This thesis is split into five main chapters. Following on from the introduction, the second chapter will introduce the theory and methodology, and explain how the primary (field) and secondary research was conducted. On the theoretical side the main themes will be introduced, such as parallel governance, political ownership, game theory, ethnic grouping and group formation. On the methodological side, the secondary sources that have been used will be laid out, including academic and journalistic, and the primary research undertaken in the field in Kosovo will be discussed.

¹ Private notes on EULEX document: CSDP Civilian Mission – Special Report, 22 April 2013

The third chapter will focus on parallel governance, and will introduce, and evaluate the system, asking how it has developed in recent years, its effects on the political system, and what its future is likely to be. This will start with an introduction to the parallel system, outlining where it has come from, how it works (including the system of enclaves, and the Serb role), the system of political leadership, and the details of the political leaders' relationships with the Kosovar and Serbian governments as well as with EULEX. These relationships are crucial to this thesis, as EU policy is, in many ways, dependant on them. The relations surrounding the enclaves are one of the most important factors in the political development of the region, as these relationships define the political dialogue. In addition to this, I will look at the role of Belgrade in the north, which is crucial as it demonstrates Belgrade's position regarding Kosovar independence.

Chapter four presents the crux of the thesis, and will combine the research into the system of parallel governance with the study of EULEX. Since the main point of the essay is to research and evaluate the changing EULEX policies in the north, this chapter is crucial. It will first give a brief outline of the other international organisations involved, such as the UN, OSCE and NATO. This is in order to put the EU mission into the context of the international community, which will then be explored further. Firstly, it will discuss EULEX policy implementation, through local institutions such as the police and law courts, and how EULEX integrated (or failed to integrate) the Albanian and Serb ethnic groups. A natural branch of this is the reception of EULEX by both ethnic groups, as policy implementation is far more likely to be more effective if the local people accept it willingly. It will also discuss EULEX's outlook on parallel governance, and the reasons why they work around it, rather than against it. In addition to this, the local political leader's relationship with EULEX will be mentioned. Chapter 4 will also discuss the role that EULEX plays in mediating between Belgrade and Prishtina, which is crucial to the question of the thesis due to the strong role played by these two, and despite the degree of autonomy that Serb leaders have (Borgh, 2012), Belgrade is ultimately responsible for funding and political guidance, and thus EULEX policy implementation relies upon the two governments. The role of Brussels and the EU bids of both countries are also crucial as this is the main bargaining chip of EULEX and one of the key mutual aims of both Kosovo and Serbia.

Finally, chapter five will summarise the main points of the thesis, and give an overall interpretation of the research in order to provide a conclusion to the main question, and will then lay out some final points and recommendations to advance the progression of EULEX policy development and implementation.

Chapter 2: Studying Intervention – Theory and Methodology

In this chapter, the theory and methodology used to evaluate the parallel system of governance and international intervention in Kosovo will be discussed. Firstly, I will discuss the main theoretical themes used, such as parallel governance and ethnic grouping, as well as touching upon the ontological stance of the research. Secondly, this chapter will outline how research, both primary and secondary, has been gathered.

2.1 Theoretical Concepts

The main academic concepts discussed are parallel governance, game theory, political ownership, and ethnic group formation, chosen due to their relation to the theory that is being built upon in this thesis. These have been discussed individually below, but are all interlinked to form the theoretical background of this paper. Parallel governance, a key theme of this thesis, links to game theory, which discusses political negotiations as a process to reach a power balance, as if there is a ‘functioning’ system of parallel governance in place, then an equilibrium must already have been reached, albeit an unstable one. In order to build peaceful ethnic relations, a compromise within political and rule of law institutions must also be reached, either by full ethnic and political integration or by continuing to embrace the parallel system (see Game Theory). Political ownership links directly to the theory of parallel governance and game theory as the joint desire by two separate groups for political control under different auspices could be what causes a system of parallel governance to emerge, and asks whether political ideals can have co-owners. The formation of ‘Serb’ or ‘Albanian’ ethnic groups has led to full social segregation. Ethnic boundaries such as these are a reality that the international community must accept, making the debate more one of cooperation between groups rather than the removal of group boundaries in order to create a nationalist sentiment, rather than an ethnic one. Political ownership and game theory are largely split along ethnic lines, demonstrating the significance of this theory.

2.1.1 Parallel governance

Situations of parallel governance emerge when “there is no agreement between the governments involved regarding which is sovereign; both vertical legitimacy (the belief of the rightfulness of the state) and horizontal legitimacy (the attitudes and practices of individuals and groups within the state towards each other and ultimately towards the state that encompasses them) are contested” (Borgh & Lasance, 2013, p. 189). Thus each government will act instinctively in its own interest, as they seek to further strengthen both their vertical and horizontal legitimacy. Unsurprisingly, and particularly in ethno-political cases, political discourse will focus heavily on legitimising one’s own ethnic background and simultaneously attempting to discredit the other. This serves to strengthen group boundaries by ‘identity boundary drawing’ (as will be discussed on page 16). It could be suggested that the group with stronger numbers will attempt to discredit minorities while the minority group may argue that they are suppressed. In many ways it is easier to portray the host state as the villain, and the minority group as the victim.

This concept is particularly relevant to the research of this thesis, as in Kosovo there is a clear system of parallel governance in place. This is a textbook example of a heavy international presence involved in operating with and around a contested region with a parallel system of governance. This is one of the main reasons that Kosovo was chosen as a case study, as other academic studies may be linked to or drawn from this one. There are many questions raised when looking into an example such as this. The parallel situation leaves the international community asking, when the local inhabitants of an area feel strongly Serbian, whether it is appropriate to cooperate with the Kosovar state or with the Serbian

authorities in the area. It could be argued that the acknowledgement of parallel governance by EULEX is an effort to look for cooperative peacebuilding (see section on Game Theory). The international community acknowledges that there are difficulties in implementing policy and is working with the system to some extent, attempting to change it slowly, rather than forcing processes against it. Despite this, it is still proving hard to win the support of the Serb community, which could be due to any number of reasons; most likely the fact that Serbia is still seen as a strong enough supporting structure that people feel they don't need Kosovo. There is also the question of geography, for example northern Mitrovica shares a border with Serbia, and Serbian authority extends as though the region were merely a geographical extension of Serbia. This in turn raises questions over the matter of whether northern Mitrovica should officially fall under Serb authority, as would be the likely outcome of a referendum on self-determination (Channer, 2013). Boundary change as a fluid and changeable affair is discussed by Wimmer in *The Making and Unmaking of Ethnic Boundaries: A Multilevel Process Theory* (2008). He argues for the importance of "the close relationship between boundary strategies of agents, on one hand and the socio-political context on the other" (Borgh & Lasance, 2013, p. 190), and actors are ultimately shaped by socio-political context (Wimmer, 2008).

2.1.2 Game Theory

Game theory refers to a system where actors are trying to reach a (power) balance in order to satisfy both parties in a conflict, and is one of the most important elements in the research for this thesis, as international actors trying to reach a balance have to deal with local level elites who want to emphasize ethnic boundaries and want to maintain parallel governance in spite of the level of conflict. In *The peacebuilder's contract: how external statebuilding reinforces weak statehood* by Barnett and Zuercher (2009), the authors argue not only that elite actors (including international organisations) have fundamentally different objectives in their pursuit of cooperation and coordination, but that they also create a 'peacebuilding game' by interacting strategically with one another (Barnett & Zuercher, 2009). This results in 'compromised peacebuilding', which is a middle ground between the objectives of the two parties, and the resulting hybrid political arrangement (Barnett & Zuercher, 2009, p. 24) is one that strikes a balance between suiting everyone, and suiting nobody. Peacebuilding is a process of negotiation between local actors and their international counterparts, game theory being a process of reaching an 'equilibrium' (or compromise) that suits as many as possible.

In the case of Kosovo this is largely what both the Serb authorities and EULEX are trying to achieve, as by reaching a middle ground (rather than having a firm outcome in mind) EULEX may have more chance of successfully implementing their rule of law objectives. This is also represented by the decision of the international community to accept the system of parallel governance, which was unlikely to be the most desirable outcome for them, due the complexity of the system and its traditionally unstable nature.

The main factor drawn from game theory in this thesis will be the concept of 'compromised peacebuilding'. This is relevant as it is uncommon in conflict that the outcome reached is an even balance of the demands of both sides. In other words, it stands to reason that there are usually winners and losers in ethnic conflict, and the degree to which one side wins dictates the level of involvement and influence that group can have in rebuilding. If an equilibrium is reached then it is crucial that the outcome is sustainable, and the process of negotiations in Kosovo has left a situation of ongoing conflict alongside negotiations. Up until a few months ago, riots were common in Mitrovica (CBM-MS, 2015), and despite the gradualistic optimism of the international community, instability between the two main groups in Mitrovica is still evident.

Following this theory it could be argued that despite the ultimate goal of a single government, international actors in Kosovo are looking for a compromised system of peacebuilding for now, to prevent any violence or major political upheaval, and as such need the consent of local leaders, who they need to give a certain amount of political ownership to in order to ensure cooperation (see 'Political Ownership'). As such, it is likely that the future outcome of negotiations will be neither as the Serb population perceives it, with a strong link to Serbia, nor as EULEX perceives it, as a national entity, but somewhere in the middle.

This concept demonstrates how individual agency and structure are mutually influential, most notably the government of Kosovo, the Serb municipalities, and the international community. The people's (un)willingness to adopt change and compromise in order to reach peace between ethnic groups is to some extent shaped by circumstance and the segregation of ethnic groups, as shown by the municipalities, can only be seen to strengthen the individual agency against mutual peace. The individual agency of political elites debating the future of the municipalities and Serbia's role in them shapes the structure of society.

2.1.3 Political Ownership

Another important concept in the case of the parallel system in northern Kosovo is the idea of political ownership (Boer & Borgh, 2011, p. 68). In particular, Nina den Boer and Chris van der Borgh's 2011 paper *International Statebuilding and Contentious Universities in Kosovo* investigates the idea of ownership of the political system, and refers to the increased involvement of local actors "in a political process led by international actors" (Boer & Borgh, 2011, p. 68). The term 'ownership', borrowed from Boer and Borgh, when applied to a political context emphasises that local actors should have control over political power. The concept of local ownership is particularly complex in the example of Kosovo, not only due to the tense relationship between the Serb and Albanian populations, but also because the legitimacy of the Serbian leaders is limited, and is in many ways only held in place by the willingness of the population.

This is particularly pertinent in the case of the research surrounding this thesis, as the feeling of a lack of ownership for political leaders was one that was evident throughout the course of the primary research in Kosovo. It relates particularly well to the other concepts used, as a desire for political ownership is a key feature of parallel governance and ethnic division. Narten (2009) is one of the main academic authors who analyses this concept.

One complaint from one ethnic Serb questioned was that local people felt that (in particular) EULEX was regarded more as a 'ruling force' than as a partner aiming to assist in the implementation of law, creating a sensation of detachment from EULEX felt by the local people, especially in the Serbian community of Mitrovica (CBM-MS, 2015). It is clear that without any feeling of involvement, local Serbs cannot hope to have a sense of political ownership.

This may be linked to the success of the Serb municipalities in Kosovo, in that the people may feel that this is the only channel through which their voices can be heard. One of the primary issues is how to transfer agency and ownership of the political process to the populous in Kosovo, particularly when there is a widespread feeling of detachment from the political system. Whether or not there can be co-owners of ideologies is a separate debate entirely.

The term 'ownership' in itself also presents some problems in itself, in that it refers to the person(s) that 'owns' a system. The problem is that it is unknown who it is who decides who the rightful owner is, and this leads to conflicts over political ownership (Paris & Sisk, 2009).

2.1.4 Ethnic group formation

It is worth discussing the theories surrounding group formation and groupism since “the key role of the group and the organization claiming to represent the group – insurgents, rebels, guerrillas or others – is widely acknowledged” (Demmers, 2012, p. 12). The ways in which a group identifies itself as one unit detached from another particular set of people (or alternate group), how they interact, and how they act collectively, can be major factors in (violent) conflict. Demmers states that one of the central aspects of mobilisation of group support for violent conflict stems from ‘identity boundary drawing’.

Demmers also claims that “often the relationship between organizations in conflict and the groups they claim to represent is deeply ambiguous” (Demmers, 2012, p. 12). It is easy to find cases where leaders and factions purportedly acting on behalf of the people become distracted, misguided, or deliberately separated from their original stated cause. The question is then raised as to whether leaders are acting in their own interest, or in the interest of the people they claim to represent.

Group formation is a changeable phenomenon, as argued by Boer and Borgh, who emphasise the importance of ‘local politics’ during an international administration. “While formal state structures may have been weakened or even collapsed, ‘political life does not simply cease’ but takes a different form” (Boer & Borgh, 2011, p. 69), which can be interpreted to suggest that political processes, including group formation, are fluid and therefore liable to change, or be changed. This means that issues such as the segregation in Mitrovica are not set in stone, and it is possible to develop the idea of Albanian or Serbian groupism into one of a ‘Kosovar’ group. To draw a comparison, in Rwanda in 1993 the majority of the population would have identified as either Hutu or Tutsi, whereas today people generally describe themselves as ‘Rwandan’. This may be a simplification, as Rwanda did not experience the same issues as Kosovo, such as a difference in language, and the use of the terms ‘Hutu’ and ‘Tutsi’ were prohibited by law (Lacey, 2004), but the example stands to show the potential for the breakdown of ethnic boundaries, whether as a natural or enforced process.

The theory is particularly relevant in Kosovo at this time – increasingly and possibly more so than under united Yugoslav governance – as ‘identity boundary drawing’ between the Serb and Albanian populations in areas such as Mitrovica has led to increased segregation and tension, especially since the developments of Serb enclaves and municipalities (Beha, 2014, p. 102). ‘Groups’ are not necessarily represented by political elites, however, and in order to reduce segregation a reshuffling of political elites could break down ethnic boundaries and tensions, rather than pursuing a complex process of integration at ground-level that is resisted by political elites. In the case of Demmers’ claim about the relationship between people and organisations, the leaderships in Prishtina and Belgrade are placing a heavier focus on EU membership and popular approval, meaning that policies related to ethnic integration and satisfaction over boundaries may have become marred by an ulterior motive. In relation to the broader academic community, group formation is particularly affected by the presence of international organisations in place working around the parallel system.

2.2 Research Design and Methodology – Data Sources

The sources that have been used for this research can be split into primary and secondary data. The main source of data will be secondary, due to the nature of the research that has been undertaken regarding policies and international organisation. There is a large amount of data available on the topic of EULEX policy and Kosovar-Serb relations in the form of academic papers, review documents by international organisations, and policy documentation by international and local organisations in Kosovo.

This thesis has used a broad spectrum of academic work especially that of Chris van der Borgh, Adem Beha, and Jolle Demmers, whose academic works give an overview of the main theories and frameworks surrounding conflict. Books have also been used for their broad and often unbiased approach. For example, *Human Rights, Sovereignty and Intervention* (2001) forms part of the Oxford Amnesty Lectures, and the IICK's book *The Kosovo Report: Conflict, International Response, Lessons Learned* (2000) is presented by an international panel of authors, intending to generate a fair and well-rounded perspective on the present situation in Kosovo.

Policy reports and documents have also been important for understanding the various political policies in Kosovo. These are particularly relevant with regards to the north, and focus on major organisations such as the EU, the UN, OSCE, and the ICTY. Many of these policy reports are available online in open access form on the main websites of these organisations.

The secondary sources available do have their limitations. The primary issue is that, as this is such a current topic, there are limited academic works available that have been published in the last year or so, and although useful publications are available they are often outdated, even if written only a couple of years ago. Journalistic articles are available (Peci, 2013) (Pekusic, 2013) (TurkishWeekly, 2012), but due to the nature of their production could be of questionable academic authority. Additionally, the quantity of policy documents available was limited, as many discussions and meetings regarding the sensitive topic of Albanian-Serb relations are held behind closed doors. I was fortunate enough to be able to access some restricted documents, although there is undoubtedly much more hidden away. I have provided a comprehensive list of secondary sources in the bibliography.

In addition to researching secondary data, several weeks were spent in Kosovo, in March 2015, interviewing people and having meetings, both formal and informal, in order to gather first-hand information directly. The aim was to gather information on a broad spectrum of subjects, collected from people within international political organisations, local NGOs and groups of activists, as well as 'ordinary' people with no formal political involvement. The greater number of people interviewed, the greater number of perspectives can be collected, and thus a more balanced overall perspective can be generated. Some of the main organisations investigated first hand were EULEX (both in Prishtina and Mitrovica) and UNMIK (in Mitrovica), the NGO Community Building Mitrovica (CBM) in Mitrovica, and the political party Vetëvendosje (Movement for Self-Determination), among others. In addition to this, I was able to come into contact with 'ordinary' people and research their personal views on cooperation between Albanians and Serbs, as well as their views on EULEX and its work. A full list of interview subjects has been included in the appendix, although each subject has been given a pseudonym or descriptive title in order to hide their true identities due to the sensitive nature of the topic under investigation.

Chapter 3: Parallel Governance in Kosovo

This chapter will focus on the system of parallel governance in Kosovo. It will introduce, and evaluate the system, exploring its origins, how it works from a practical and political perspective, how the system has changed, and the dynamics of relationships surrounding the system. The success of EU policy relating to both Kosovo and Serbia is dependent on the relationships related to the parallel system, and these relationships are thus one of the most important factors for political development in the area.

3.1 The system of parallel governance

Boege et al (2008) perceive ‘hybrid political order’ as a counter to the ‘simplistic’ view of the fragile or failing state, arguing that a hybrid system consists of “diverse and competing claims to power and logics of order that overlap and intertwine” (Boege, et al., 2008, p. 24). Following the Kosovo war of 1999, the international peacebuilding efforts focussed largely on the (re)building and strengthening of state institutions, which in turn particularly focussed on the monopolisation of violence (the right of a sovereign state) (Jeursen & van der Borgh, 2014, p. 3). The international community recommended a system of ‘supervised independence’, knowing that independence was a goal for many of the Kosovar people, and deciding that handing Kosovo back to Serbia or leaving Kosovo to immediately govern itself were not feasible. The system was also recommended (theoretically) to prevent a backlash against minorities and to protect their rights and interests (Beha, 2014, p. 86).

Organisations such as UNMIK, OSCE, KFOR, and later EULEX remained in Kosovo to supervise peace, and were (initially) “perceived as exemplary cases of international administration and peacekeeping, especially for a conflict with deep-roots, and a strong focus on human rights promotion and protection” (Narten, 2009, p. 121), and success seemed imminent. The intervention was based on the “desire to prevent further gross violations of human rights” (Narten, 2009, p. 122), such as those under Milosevic, and as such human rights were crucial for the international force, with UNMIK and KFOR taking over “all de-facto components of sovereign state authority, in accordance with UN Security Council Resolution 1244 (1999)” (Narten, 2009, p. 122). Following increasing unrest (particularly in 2004), the international community sought to deal pragmatically with the system of parallel governance, most notable in 2011 when ‘dual sovereignty’ became a recognised concept in the region (ICG, 2011), including with regard to the agreement of the Ahtisaari plan. Acceptance of political entities legitimises and legalises actions, particularly if the international community does not react (Jeursen & van der Borgh, 2014, p. 12). Thus the acceptance of the parallel governance in Kosovo legitimised the system and deepened divide and segregation, rather than easing peace implementation through unifying the people (Beha, 2014, p. 102).

Such a system naturally has an unusual effect on the state; whilst the Kosovar government generally regards parallel institutions as illegal, unstable, and a threat to the sovereignty of the Kosovar state, some Serbs consider the system a lifeline (Borgh, 2012, p. 34), never abandoning the idea of Serbianism, or feeling part of Kosovo (Borgh, 2012, p. 39). The strength and success of the parallel system in Kosovo depends upon the strength of ties with supporting states. If the link to Serbia weakens, the regions affected may drift closer to Kosovo, whilst Kosovo cannot give up its claim to the Serb regions in fear that its influence would be lost.

Lawlessness and inter-ethnic tensions tend to accompany the parallel system, as does “the underdevelopment of formal economic systems accompanied by a pervasive informal economy” and “shortcomings with regards to the institutionalization of government structures in Kosovo society”

(Beha, 2012, p. 182). These phenomena are evident in Mitrovica and have undermined and weakened Kosovo's regional sovereignty. This is a result of "top-down policy that international organizations employed in Kosovo" (Narten, 2009, p. 124), without a political consensus or the acceptance of the international presence by Serbs, and thus results in a lack of local ownership of policy and governance (page 14). Multi-ethnicity as a principle of international intervention has weakened with time, and as the system of parallel governance has become more embedded.

3.1.1 What is EULEX?

EULEX began a four-month deployment in 2008, and has gradually had its mandate extended, currently until 2016 (euobserver, 2008) (b92, 2014) (TurkishWeekly, 2012), and its role is to implement rule of law, rather than policy development, although reports and suggestions are made on the ground. The focus of the mission in the north is largely on strengthening the Kosovo Police (KP) and the judicial system, which it does through Monitoring, Mentoring and Advising (MMA) the systems in place.

EULEX was originally established as an assistance mission to UNMIK, with a focus on rule of law policy. Although the Ahtissari plan in 2008 was not formally operated through EULEX, due to opposition from Belgrade, the plan formed a central part of the general policy of international organisations. The 2013 Brussels Agreement (supported by the EU), signed by the governments of Kosovo and Serbia, also represented a significant step in EULEX policy development, focussing on the 'normalisation of relations' between Albanian and Serb ethnic groups. This formed part of the lead-up to the Stabilisation and Association Agreement (SAA), after which EU accession negotiations began with Serbia, demonstrating how EULEX policy and Serbian accession are inextricably linked. These policies took EULEX involvement from effectively being the Rule of Law department of UNMIK, to being a key mediator and policy-changing force in Kosovo.

Policies that are implemented by EULEX are firstly approved by the council in Brussels, advised by the Special Advisor in Kosovo (EULEX-MS, 2015). This remote form of control presented one of the main limitations of this research, making it difficult to gather all of the intended data, as despite having access to EU documentation both in its preliminary and final forms, it was difficult to track policy development.

The main decisions are made through four main channels. Firstly, heads of mission, who are responsible for the project overall, play an important role, and the changing leadership brings with it changing policy. Secondly, the structure in Brussels plays the role of mission coordination and policy generation. That this is based in Brussels could be seen as a weakness since significant developments on the ground have to go through a lengthy system of approval. Third is the EU Special Representative, which "offers advice and support to the Government of Kosovo in the political process; provides overall coordination for the EU presences in Kosovo; and contributes to the development and consolidation of respect for human rights and fundamental freedoms in Kosovo" (EULEX, 2015). The final important decision-making board in Kosovo consists of the 'Quint' ambassadors, who are the ambassadors of the US, UK, Germany, France and Italy. These channels all focus on soft policy methods, such as training, talk and diplomacy (EULEX-MS, 2015).

Greece, Slovakia, Romania, Cyprus and Spain, all members of the EU, do not recognise Kosovo but are decision makers in the EU and EULEX. This leads to practical problems such as states having 'representatives' rather than ambassadors. Additionally, documents cannot refer to the 'Republic of Kosovo' as this ignores the fact that the country is not universally recognised. One of the ultimate

goals of the EU is good neighbourliness, and this is made increasingly difficult and complicated by political games that it is necessary to play in order to achieve anything practical on the ground.

3.1.2 Parallel governance in Mitrovica

Mitrovica is a split town, and Figure 1 (Appendix I) shows the Ibar Bridge, with its grassy roadblock known as the ‘Park of Peace’², and represents the boundary between the north and south. To an outsider, this would objectively appear to represent an international border line. With Serbian currency, language, mobile phone networks and car registration plates in the north, a feeling of negativity towards the international community appears locally pervasive. Figure 2 (Appendix I), on the Albanian side, shows commonplace anti-EULEX graffiti. Leaders on both sides have encouraged ‘ethnicization’ of politics (Beha, 2014, p. 102), trying to strengthen their own position and weaken that of the opposition, in turn damaging the rebuilding process (Borgh, 2013, p. 190). The international community tried enforce integration, and as a product of its policy of “fostering local self-government and political decentralization” (Narten, 2009, p. 122) UNMIK created reserved seats for minority representatives, hoping to create a balance of power proportional to population. In reality, the result was a system of political parties based on ethnicity, which serves to further discourage ethnic integration and cooperation.

This segregation was strengthened on 19 April 2013, when Kosovo and Serbia reached a 15-point agreement granting special autonomy to an ‘Association of Serb Municipalities’, in exchange for a deconstruction of Serb structures in the north (Beha, 2014, p. 105). Serb municipalities would have a District Court and a Serb Regional Police Commander. Although the intention was to dismantle the parallel structures and forcibly integrate systems, the outcome was less desirable. Vetëvendosje’s (a radical Kosovo Albanian movement for Self-Determination, and against international involvement) position was that this the agreement had “suspended the state-building of Kosovo. Instead of state-building, we have an Association of Serbian Municipalities” (Peci, 2013), endangering the integration of communities. The system sounds familiar to that of Black Economic Empowerment (BEE) in South Africa following the fall of Apartheid, with quotas on ratios of employee ethnicities (SouthAfrica.info, 2015) for businesses, rather than operating as a meritocracy.

Beha argues that the UN was largely responsible for the segregation of Serb and Albanian ethnic groups, stating that one of their greatest flaws was understanding ethnic groups through an ‘essentialist’ perspective, rather than as constructed, situational and fluid, allowing increased group integration, as “Albanians and Serbs were regarded as two antagonistic groups ...who could only be effectively managed through the strategy of physical separation” (Beha, 2014, p. 102). It is easy to criticise the system however, and this process of enforced integration has had the effect of balancing key power positions within an integrated rule of law system. The implementation of the agreement could have the effect of normalising relations between both Kosovo and Serbia, as well as between the Serbs and Albanians in Kosovo.

3.1.3 The Role of Belgrade and Political Elites in Northern Mitrovica

Due to the system of municipalities, Serbia governs in the north, and the system is based around the ‘hardline’ Serb Mayor, Goran Rakić (RadioFreeEurope, 2015), on the Serbian payroll, elected with a 52.6% majority after a “prolonged electoral race that was soured by the killing of one candidate and the arrest of another” (RadioFreeEurope, 2015). He is the person the majority of the Serb population look to for leadership, representing an extension of Serbia. There is an entire parallel system still in place, with a Serbian-answerable leadership and separate legal and judicial structures. Belgrade

² Private notes on EULEX document: EULEX Six Month Review, 1st May – 15th October 2014

continues to use parallel structures to direct people away from Kosovo (Borgh, 2013), despite attempts to reach some sort of agreement. The international community has contributed to the process of the integration of rule of law structures, undertaking judicial and policing duties, but this is by working with the Serbian supported government. According to the local population, the mayor has been involved in secretive negotiations with the international community and the Kosovar government, while at the same time permitting the parallel system (CBM-MS, 2015).

Serbia does not recognise Kosovo and thus regards Mitrovica (and Kosovo) as an extension of Serbia, which according to some has not changed or progressed despite talks (EULEX-PS, 2015), and could be getting even more difficult as technically problematic issues are approached. Importantly, the Serb population of Mitrovica also view the area as Serbian, looking to Belgrade for leadership (EULEX-PS, 2015), including with regards to schools, health and universities (CBM-MS, 2015).

The recently elected Serbian Prime Minister of the SNS (Serbian Progressive Party) Aleksandar Vučić is staunchly pro-EU, and his approach towards Kosovo reflects this. Knowing that the international community, considering ‘good neighbourliness’ (European Commission, 2015), will reject Serbian activity within Kosovo, Vučić announced to Serbs in 2013 that they should “leave the past and think about the future” (Pekusic, 2013), possibly to encourage Kosovo Serbs to start looking towards the Kosovar government for leadership in the future. Secretive talks with Prishtina support this.

Despite continued massive spending by Belgrade in the area (EULEX-PS, 2015), the Serbian system of control has weakened in recent years, and the Serb population has become more supportive of the Kosovar state. Discussing the Serbian president, a source said “When the new president came a lot of people thought it would change, it would not be like our former president, that he would do something with entering Serbia to the EU. Eventually it has proven to be completely different. Nikolic is really tough when it comes to the EU. As for Kosovo, Serbia-Prishtina dialogue is going on. It is different what they are saying to the public [to what] they have [been] talking.” (CBM-MS, 2015). Nikolic is strongly pro-EU, and as such talks with Kosovo are underway so that Kosovo Serbs would not benefit from Serbian EU accession, as previously thought, instead being left to the Kosovo government. The roles of President and Prime Minister are closely linked, as the former elects the latter, and the President plays a ceremonial role in representing the government abroad (for example in talks with Kosovo), led by the Prime Minister. Vučić, and Thaçi before him, is unofficially recognising the Kosovar state by engaging in discourse with the Kosovo government.

Alongside the Serb authorities, the Kosovar Government, represented in a way by EULEX, plays little obvious role, as the municipalities system gives power to the Serb authorities. The government is currently led by Isa Mustafa, leader of the Democratic League of Kosovo (LDK), and Mayor of Prishtina from December 2007 to December 2013. The party originated as an Albanian nationalist pro-independence party led by Ibrahim Rugova. Historically pro-European, the LDK is also focussed on EU accession, and the promotion of positive relations with Serbia and Kosovo Serbs is a crucial part of that.

3.2 Brussels agreement 2013

The 2013 Brussels Agreement, signed by the governments of Kosovo and Serbia, focussed on the ‘normalisation of relations’ between Albanian and Serb ethnic groups, particularly within Kosovo, a prerequisite of EU membership (one of the main reasons that Kosovo and Serbia entered into these negotiations). Supported by the EU and the US, the agreement was a step towards the Stabilisation and Association Agreement (SAA), on which work was started after the signing of the agreement, and after which accession negotiations also began with Serbia.

Negotiations were unexpected by many, including leaders in the north, who did not immediately accept the outcome. There is little choice however, and Belgrade has opened negotiations in order to satisfy the EU. Meanwhile, the northern Serb population of Kosovo will have to choose between the Serbian state and Kosovar authority, and the entire process will take time. In March 2015, nearly two years after the agreement was signed, there was still clearly a Serb system of authority in place in the north, which does not look set to change any time soon.

The outcome of the talks was a 15-point "First Agreement of Principles Governing the Normalisation of Relations", signed on 19 April 2013 (ICG, 2013). It was the first agreement between Serbia and Kosovo, representing a formal public discussion between the two states. Twelve of the fifteen points focus on the northern region and the handover of official governance to Prishtina, including practical points such as the creation of a unified Kosovo Police (KP) force. All existing security sector staff will also be transferred to the KP payroll, rather than that of the Serb authorities. The two critical points of the agreement are that "the Serbian government has given up on keeping northern Kosovo in its system and has ceded its authority to Prishtina" and that "Belgrade has implicitly recognised that Kosovo is a state" (ICG, 2013). This is not ratified into Serbian law however, and Serbia still does not recognise Kosovo, as parliament "refused to vote on the agreement itself, claiming that to do so would constitute recognition of Kosovo; instead, it approved the government's report on the negotiations" (ICG, 2013), regarding the agreement as a political and not a legal act

The important point to acknowledge, however, is not whether or not the practical points of the agreement have been immediately implemented, but that the negotiations took place at all. Despite some political game-playing by Belgrade, this was an unmistakable act of recognition of the Kosovar government, likely the first of many.

3.3 Developing Systems and Relationships

There has been relatively little change in the north since the declaration of independence. EULEX courts have had successes, and policing has been largely handed to a mixed KP force, demonstrating an increase in the presence of the Kosovar state in the north, but there is still a parallel system in place, demonstrated by the fact that EULEX courts are often unable to operate due to local tensions, and EULEX staff are still unable to patrol freely (EULEX-MS, 2015). There has been a strong public opposition and lack of understanding of the rule of law³, combined with regular rioting on the Ibar Bridge until recently (CBM-MS, 2015). This open public favour of Serb leadership has caused problems and setbacks for the Kosovar state, and the relationships affected are discussed below.

Organisationally, there has been little development within EULEX in the last few years. There have been changes of programme and scaling-down of projects, such as the reduced supervision of KP in the north (KP-MS, 2015), however the system has remained largely the same. This may be in part due to the inefficiency and slow speed of the system of policy change, which has to go through a long and complicated process via Brussels. EULEX said in 2012 that they would leave Kosovo in June 2014 (BalkanInsight, 2012), however the mandate has since been extended. This demonstrates that EULEX is behind on its original schedule, and could lead to questions being asked about efficiency and effectiveness.

3.4 Relations in and around enclaves

The Serb community within Kosovo is largely situated within Serb enclaves, governed as municipalities separately from the rest of Kosovo, and in northern Mitrovica stretches all the way to

³ Private notes on EULEX document: Notes from president to EU ambassador in Prishtina

the Serbian border, meaning that the Serb population largely regards itself as an extension of Serbia (CBM-MS, 2015).

3.4.1 Serb/Albanian relations within and around northern Mitrovica

Relations between Serbs and Albanians within Mitrovica play a key role in the implementation of policy and the maintenance of peace. People feel ethnically, and culturally different and this translates into their relationship with their Albanian neighbours. These relationships are crucial to this thesis as EU policy is in many ways dependant on them, defining (to an extent) the political dialogue.

Animosity between the Serbs and Albanians is ongoing, and has been for many years. Ethnic segregation has increased since the early years of the SFRY, when the two groups lived together in relative harmony. One source within EULEX in the north said that “It’s ok to have them living together” (EULEX-MS, 2015) since Serbs and Albanians are different and have been living together and in conflict for centuries, and this should be accepted by the international community because they “won’t stop any time soon”. It should be made clear that this comment was made in a private capacity, and doesn’t reflect the official view of EULEX, but it does give a perspective of one potential feeling within the international community.

Ethnic relations in Kosovo continue to be seen through the perspective of security, and Serbs are regarded by the Kosovar state as a threat to independence. Perhaps this is what has been the limiting factor in positive minority relations in Serb enclaves. Beha (2012) states that “The relationship between state and society is of paramount importance in understanding the theoretical paradigmatic shift from a ‘coercive’ Hobbesian to ‘consensual’ Lockean political order” (Beha, 2012, p. 182). A public feeling of detachment or abandonment from the state, as in Mitrovica, or a general lack of interest in government policy, could manifest itself into a situation where the only way to maintain order is through coercion. Many years since international forces were deployed *en masse* to Kosovo antagonism between Serbs and Albanians is still evident (Beha, 2014, p. 103), so much that Serb and Albanian communities have little contact with one another. There was a time when many people spoke each other’s language, and this has been replaced by a culture of deepening segregation.

A Serb source (CBM-MS, 2015) seemed to agree; regarding personal day-to-day relationships, he said that for a Serb teenager to bring home an Albanian girl/boyfriend would be “really not possible” (CBM-MS, 2015). He said that, despite his organisations attempts to educate young children who “don’t understand the problems”, as past a certain age the integration of children is no longer socially acceptable. This suggests that the animosity between the two communities is being passed on to children in their mid-late teens, an age at which children are easily influenced. In the SFRY, Serbian and Albanian was taught in many schools (CBM-MS, 2015), and now only older members of the community are bilingual. This suggests that integration and acceptance has decreased, and gives a clear example of a step that can be taken to improve integration – teaching both languages in schools.

Government-public relations have improved in the last two to three years, since the presence of the ‘Bridge watchers’, local Serbs who would stand on the Ibar Bridge in the aftermath of 1999 to prevent Kosovo Albanians from entering the north, and gather information on KFOR and UNMIK and Albanians living in the north, establishing themselves as a “formal security organization”, demonstrating the “relationship between parallel structures, and ethnic hostility” (Beha, 2012, p. 189). This sort of public display of opinion has been common in Mitrovica, demonstrated by the 2004 pogrom, which involved mass rioting and irrational behaviour, focussing on the bridge. The biggest fear on both sides appears to be the (mis)perception that the other side are unpredictable or trouble-makers, as a result of accidents or one-off events in the past (EULEX-MS, 2015). For example, in

2013 a Lithuanian man was murdered in the northern part of town. The Albanian community felt that Serbia could have ‘easily’ found out who the culprit was but failed to do so, and that they did not want to cooperate with the Albanians. EULEX were reportedly unable to intervene, as their movements are severely restricted in the north by pro-Serb opposition (BIRN-PS, 2015).

There are five primary obstacles relating to minority rights implementation in northern Kosovo. Firstly, there is a “perceived illegitimacy of Kosovo statehood by local Serbs” (Beha, 2014, p. 106), which is prevalent in the north where the Serb population feel part of Serbia. Secondly, there is a lack of Kosovar political will to enforce minority rights, with a focus being placed on discourse, building a sense of Kosovar identity at the expense of the integration of the Serbs, worsened by institutional positive discrimination encouraged by EULEX. Thirdly, there have been “unresolved judicial cases on war crimes and the absence of genuine reconciliation between Albanians and Serbs” (Beha, 2014, p. 106), demonstrated by the fact that a number of Milosevic’s former government now continue to hold high offices in Serbia. After the Second World War, political leaders were tried and punished, but after the Kosovo war they were able to return. For example, the Prime Minister of Serbia was Minister of Information under Milosevic, the President was the former vice-president under Milosevic, and the Foreign Minister was Milosevic’s spokesman (Vetëvendosje-PS, 2015). Fourthly, a lack of the ‘normalisation of relations’ between Kosovo and Serbia has proved a point of contention among the population, for whom it is difficult to improve relations whilst hindered by politics. Fifthly, there is the consideration of funding. Minority rights don’t seem to be a major concern in the north, and the political focus is on promoting personal ethnic groups, rather than breaking down ethnic barriers. As one member of the public in Prishtina suggested, “Serb enclaves and municipalities only make division worse, they should be together to create harmony at an individual level” (Vetëvendosje-PS, 2015).

3.5 The Serbian Illusion

It is impossible to predict what will happen to Kosovo in the future, but we can consider the likely outcomes, looking at the current situation and the current political leaders.

Firstly consider Serbia and Kosovo’s bids for EU accession; both countries are in negotiations with Brussels in order to secure a position, and membership would bring benefits to both countries, with extended open markets and freedom of movement. Serbia is already party to a Free Trade Agreement (FTA) with the EU (SIEPA, 2015), and membership would further increase the freedom of imports and exports. The EU is Serbia’s largest trading partner, making up over 60% of the value of exports in 2013 (EC, 2015). Meanwhile, Kosovo also became party to the Central Europe Free Trade Agreement (CEFTA) in 2006, signed on Kosovo’s behalf by UNMIK (DOGANA-E-KOSOVËS, 2015). Kosovo is among the poorest areas in Europe, with up to 45% of the population living below the poverty line and 17% being classified as ‘extremely poor’ by the World Bank (WorldBank, 2015). Europe is important to the Kosovar economy, as 15% of the country’s GDP comes from the Kosovar diaspora, located mainly in Germany, Switzerland, and the Nordic countries, and Kosovo’s tie to the Euro has also helped to keep core inflation low (CIA, 2015).

Despite the appeal for EU accession, the Serbian president Vučić officially maintains that Kosovo is still a part of Serbia, which the Kosovo Serbs support (CBM-MS, 2015). Despite this, in negotiating deals with Prishtina, Belgrade unofficially recognises its legitimacy. Even the Serb contact on the ground in Mitrovica stated that, regardless of what the Serbian government says, there will eventually be a change to Kosovar independence, shown by the acknowledgement of Serbia (CBM-MS, 2015).

Despite the anti-independence position held by Belgrade, there are clear factors which point to the prospect of a formal acknowledgement of the Kosovar state in the form of secretive dialogue with Prishtina (see page 32) and a public agenda of EU accession.

3.6 Conclusion

This chapter has given an outline of the system of parallel governance in Mitrovica, including the practical dynamics of the situation, the relationships that operate within the system, and the legal and political system that the parallel governance structure works around. The findings from primary and secondary research have suggested that the EU aspirations of Belgrade, and to a lesser extent those of Kosovo, are the key to cooperation in the north. The system of parallel governance in the north is one that leans heavily towards on the Serb authorities, and as Belgrade begins to drift away, the strength and support of the Kosovar Serbs weakens.

Governance in northern Mitrovica is highly dynamic, with both the Serb and Albanian authorities vying for legitimacy and power. Ethnic problems in the region are the main catalyst, and “Institutionalization and regulation of ethno-cultural diversity in public life is essential for a stable and fair democracy” (Beha, 2014, p. 88). In pursuit of institutionalisation, both governments try to present themselves as possessing legitimate judicial and legal systems; however the regulation of ethno-cultural diversity is a factor that is lacking in the Serb system. While EULEX is making some (questionable) attempts at forced integration (such as the incorporation of Serb police and judges), the Serb government seems to have done little to solve ethnic conflicts in the area, denying the legitimacy of any Albanian presence.

Chapter 4: The EULEX mission and the North of Kosovo

This purpose of this chapter is to evaluate EULEX policy in the north, and connect it with the operations of other international organisations. EULEX is dependent upon its reception, both by the general public and political elites. In addition to this, Chapter 4 will also discuss the role that EULEX plays in mediating between Belgrade and Prishtina, as well as with Brussels in relation to the bids for EU accession.

4.1 The International Community

Since the intervention of the international community in 1999, there has remained a significant international presence in Kosovo, particularly in Mitrovica. This background provides a basis for the investigation of EULEX policy later, as there were many international organisations present before EULEX. Kosovo is interested in the involvement of the international community in minority rights, as “the protection of minority rights became an internal imperative for stabilizing ethnic relations and establishing a fair democracy in newly post-communist countries”. It has become a “precondition for allowing those states to join NATO, the Council of Europe, the Organization for Security and Cooperation in Europe (OSCE), and the European Union (EU)” (Beha, 2014, p. 90), making minority rights a factor in Kosovo’s EU accession. Following the war, international organisations such as UNMIK, OSCE, KFOR and the EU were left behind on a (primarily) civil deployment.

The United Nations Interim Administration Mission in Kosovo (UNMIK) is the UN mission that has a mandate to “ensure conditions for a peaceful and normal life for all inhabitants of Kosovo and advance regional stability in the western Balkans” (UNMIK, 2015). UNMIK has been in Kosovo since 1999, with a particular focus on minority rights (Beha, 2014, p. 91). UNMIK’s current work is largely supervisory, working with international organisations and local institutions to ensure peace. Naturally, the UN has an interest in the region, which has been historically unstable since the breakup of the SFRY, and it is important for them to have an official mission in the area. Although there have been discussions in the past about ending the mission (Tribune, 2008), this seems unlikely due to the continuing instability.

The Kosovo Force (KFOR) is the North Atlantic Treaty Organisation (NATO)-led peacekeeping force deployed to Kosovo on 12 June 1999, a short time after the adoption of the Security Council (UNSC) Resolution (UNSCR) 1244. Originally numbering 50,000 troops, there are currently fewer than 4,000 KFOR personnel, as the security situation has improved dramatically. Still deployed in specific areas, KFOR’s mandate is largely security-based (NATO, 2010).

The Organisation for Security and Cooperation in Europe (OSCE) Mission in Kosovo (OMiK) is another major organisation in the country that undertakes “a wide array of activities, from the development of democratic institutions and civic participation in decision-making to the promotion of human rights and the rule of law” (OSCE, 2015), as well as taking an observational role.

Despite public suspicion that international organisations do not share information (Vetëvendosjei-PS, 2015), these organisations do work closely together both officially and unofficially; at an official level they are in communication through various channels, including sending one another official updates and documentation, and at an unofficial level, the international community has regular social events (EULEX-MS, 2015). During the course of the field research for this thesis it was clear that lunches and other social events are fairly common.

The reception of the international community has been varied. Despite the fact that it was not seen as legitimate by Kosovo Serbs, UNMIK is more popular than EULEX, in particular due to its focus on minorities, including Serbs in the north (BIRN-PS, 2015), and because it was there from the start of international involvement (CBM-MS, 2015), which means that the organisation was able to develop a relationship with local people from the moment that operations began, unlike EULEX, which only emerged in 2008 and which is also perceived to represent the Kosovar government and to have a bias against the Serbs. The roles of the international organisations in the north have developed over time. While organisations such as KFOR formerly had a substantial military role, they have reduced operations as the security situation has become increasingly peaceful. The complexity of the international community continues to develop, as goals begin to overlap and mandates drift further away from their original condition.

4.2 EULEX Policy Implementation in Northern Kosovo

The main focus of this thesis and this chapter is EULEX policy. Despite the various challenges faced by international organisations working in the north, the lives of local people are being impacted by EULEX by the presence of elements such as the courts system and the KP. In order to operate effectively, there needs to be a degree of respect held for them by the local people, however this is undermined by the many accusations that EULEX is biased against ethnic Serbs.

There have been several attempts to force integration in northern Kosovo. For example, in 2003 “the UNMIK administration in Kosovo set forth the policy of ‘standards for Kosovo’ ... consisting of eight standards which Kosovo provisional institutions had to reach before they could begin negotiations on Kosovo’s final status” (Beha, 2014, p. 91). Remaining under Serb influence, the Serb population in the north had little or no interest in meeting these standards. On the other hand, the Ahtisaari plan, originally conceived in 2007, was more positively received by the Serb population. It contained “plans for extensive rights for minority groups, notably Serbs, including allowing multiple citizenship” (Beha, 2014, p. 87). It also stated that “in every municipality where a minority community constitutes 10% or more of the overall population, the post of Deputy Mayor of that municipality will be reserved for a member of that minority” (Beha, 2014, p. 88), and became a blueprint for Kosovo state-building, which the EU has focussed upon heavily. There are some issues in the plan, however, that are the subject of dispute between the ethnic groups. The system of municipalities promotes ethnic decentralisation, spotlighting minorities and encouraging segregation. In addition to this, it also places large amounts of Kosovar cultural heritage (such as the Gracanica Monastery) under Serb control.

Today, the influence of the international community on the ground is not applied as forcefully as it once was. International EULEX police no longer participate in patrols, now only playing an advisory role (KP-MS, 2015), and the international community now focuses on civil issues, such as unemployment, organised crime and corruption⁴.

One of the successes EULEX has had in the north is its attempts at institutional ethnic integration. In the north of Mitrovica, as many as 95% of police are from the Serb ethnic group (EULEX-MS, 2015), closely representational of the local demographics, showing that there is a consideration for minority representation, rather than being Albanian-dominated, and Serb and Albanian police patrol unsupervised together. Despite some problems (an Albanian police officer was killed near the Serbian boundary in 2011), the integration of police has been relatively peaceful (BIRN-PS, 2015). A mixed police force not only has the benefit of generating political peace, but can also help to improve the

⁴ Private notes on EULEX document: EULEX Six Month Review

popularity of the police force in the area, as people see a police force that represents the demographics of the population (CBM-MS, 2015).

4.3 EULEX and the Kosovo Institutions

The primary way EULEX implements policy is through the Kosovo institutions. There are two main ways in which EULEX currently works. One of these is through an ‘executive objective’, which means that EULEX can deliver justice or hold the responsibility in cases that lead directly to the achievement of their objectives. The second is the system of Mentoring, Monitoring and Advice (MMA) at a strategic level. For example, EULEX gives advice to the regional command of the KP in the north, and advises and facilitates its national capacity. EULEX also oversees the work of prosecutors and judges, through which they monitor the key decisions of institutions and support them in their build up (EULEX-PS, 2015). The MMA system also involves reducing Supplementary Police Units (SPUs) and the number of judges, and dismantling Task Force Mitrovica. In July 2014 EULEX gradually began handing the security of Mitrovica Basic Court to KP North⁵. The action of EULEX is somewhat limited by restrictions placed on movement as a response to violent action in the north, suggesting that part of the reason for taking a position at the strategic level is because ground level operations are simply not feasible. EULEX personnel are unable to openly patrol the north, travelling instead in armoured convoys, and until recently helicopters (CBM-MS, 2015). This is not to say that EULEX operations have not made a difference, but operations are restricted and slowed by non-ideal circumstances.

It might appear as though EULEX is working around the system of parallel governance and indeed EULEX has proceeded with its rule of law programme in spite of the system; however EULEX is negotiating the reduction of the Serb institutions and has been successful in the implementation of some technical agreements between Belgrade and Prishtina (EULEX-PS, 2015). EULEX regards its operations as an overall success so far, with Mitrovica Basic Court having presided over dozens, if not hundreds of cases, and more than €5 million being gathered in customs duties by Kosovo authorities (EULEX-PS, 2015). This success is one of the key reasons as to why EULEX continues to operate around the system.

Interference from Belgrade has not helped the situation. There are still systems which amount to a parallel rule of law system. For example, there are instances where Serb KP officers have been kept on the Serbian MUP payroll, taking two salaries and remaining connected to Belgrade. Similarly, there is still a persistence of Serb judicial structures in the north, which continue to operate as though Kosovo does not exist (EULEX-MS, 2015). This leads to ‘justice shopping’, raising questions regarding the authority and legitimacy of the Kosovo system (CBM-MS, 2015).

4.4 The Reception of EULEX

A positive public reception of international organisations is crucial in order to effectively implement policy, and in Kosovo this has been mixed. There was initially a sense of widespread relief amongst Albanians at the intervention of the international community in 1999. The organisations that followed have received a less positive response. One reason for this could be the fact that the basis on which international organisations became involved was United Nations Security Council Resolution (UNSCR) 1244. The resolution regarded Kosovo as a minority of Serbia, rather than as a free state, and since the mandates of the EU, UN, OSCE and other organisations are based on this, some groups suggest that Kosovo is unrecognised as a free state (Vetëvendosje-PS, 2015). This is supported to

⁵ Private notes on EULEX document: Notes from pres to EU ambassador in Prishtina

some extent by the fact that EULEX needs the cooperation of other EU countries that do not recognise Kosovo, in order to give the EU an image of legitimacy and unity (EULEX-MS, 2015).

Despite the fact that “all new cases are judged with 2 Kosovo judges, whereas before it was 2 EULEX judges and one local judge” (EULEX-PS, 2015), EULEX has “been unsuccessful to date in integrating and accommodating northern Serbs into Kosovo institutions” (Beha, 2014, p. 101), failing to tackle Serb separation from the rest of the country, and is thus unpopular amongst the Serb community (KP-MS, 2015). An example of this is the KP, which remains un-trusted, partly due to allegations of corruption and previously disgraced Serbian officers being permitted to return (KP-MS, 2015). Scandals, such as when a 2014 British prosecutor left EULEX and started pointing fingers regarding corruption, and when the former US prosecutor stated that there will be no justice unless it is supported by the people (Vetëvendosjei-PS, 2015), do nothing to enhance the reputation of the organisation.

There is little evidence to suggest that EULEX have much communication with the Serb authorities in the north, beyond the official talks. The local Serb authorities’ reaction to EULEX is to largely ignore them, as mentioned elsewhere, and continue to operate a total parallel system. Whereas the international community and the Kosovar authorities are in almost daily communications, there is very little discourse between Serb leaders and EULEX. It is therefore difficult to say anything more about the way in which local elites deal with EULEX and vice versa other than to say that the former largely ignore the latter as far as they can get away with and EULEX continue forcing their new system on the local society regardless. It could be considered that a more desirable option is to negotiate with and integrate the Serb system into the new Kosovar one, but this does not seem to be the case.

4.5 The relationship between EULEX and the people of Kosovo

Primary research suggests that the relationship between EULEX and various groups is generally tense. One of the most common complaints that emerged in the research was that since EULEX has not been present from 1999, it does not fully understand the situation, and is working against the population, failing to build trust by demonstrating that its aim is guidance rather than intrusion (CBM-MS, 2015).

The relationship between EULEX and the Serb population of Mitrovica has experienced recent improvement, with fewer riots and protests than 2008 (CBM-MS, 2015). The general Serb public receive mixed messages regarding communications with Brussels, being led to believe that they are part of Serbia, whilst at the same time seeing Serbian accession negotiations going ahead that would leave them behind. Belgrade is starting to be drawn away from the claim to Kosovo sovereignty, and towards the EU. Serbs generally want to see a greater degree of autonomy, but even the Serb authorities are suggesting that Kosovar Serbs being to seek governance from Prishtina (EULEX-PS, 2015). As mentioned in the previous section, during the research for this paper there was little evidence to suggest that EULEX was in regular contact with the Serb leadership, and the majority of the relationship between EULEX and the Serbs is on the ground-level, with the local people, or at a much higher level, with Belgrade, and little in the middle. There was also no suggestion made that improving relations was a desire of EULEX.

Relations between EULEX and the Albanian population are also not straightforward, and despite being criticised as pro-Albanian by Serbs (CBM-MS, 2015), EULEX has also been criticised by Albanians as being pro-Serb, as was the case in 2015 when eight former members of the Kosovo Liberation Army (KLA) were prosecuted for war crimes (EULEX-PS, 2015). Although the public

would like to see EULEX doing more, gathering evidence for cases and working with all sides is not a straightforward task. In the eyes of EULEX, “A successful trial means that prosecution has presented the case, judges heard the evidence, something was established beyond reasonable doubt” (EULEX-PS, 2015). Arrests regularly lead to disquiet amongst the population, particularly amongst Albanians who feel betrayed due to their belief that EULEX was ‘on their side’.

4.6 Local involvement in policy formation

It is important that policy is received well by the local population, so that it can be effectively implemented. Local involvement in policy formation can be largely separated into that of elites, and that of the ‘ordinary’ people. From the perspective of ‘ordinary’ people, one of the reasons why EULEX is received poorly (by both Serbs and Albanians) is that they have a feeling of detachment, as though EULEX is a ruling force (CBM-MS, 2015) (Vetëvendosje-PS, 2015). As the main decisions regarding EULEX policy are made in Brussels, locals have little chance to implement immediate policy, as they only have access to influence the policy enforcers, rather than to the decision-makers. Additionally, organisations such as Vetëvendosje criticise EULEX’s very presence in Kosovo.

The volatile relationships amongst the political leadership are not helped by the presence of a Serb-supported parallel system. While some Serb leaders do occasionally seem to cooperate with EULEX, their behaviour is marred by the presence of this system that undermines the Kosovo institutions, and there seems to have been limited discourse with EULEX. The basic legitimacy of the Serb leadership is questionable, but that is a matter of perspective.

Also worth considering is whether the local people truly want the Kosovar unity that EULEX is offering. According to data collected by Gallup International in 2009, 77% of Albanians in Kosovo and 68% of the population of Albania believed that Kosovo should be united with Albania (Channer, 2013, p. 182). This is a remarkably high proportion, and a referendum on self-determination could have results that would disrupt the entire region.

4.7 EULEX Mediation and Lobbying, and EU Accession

Despite being an implementational force, one of the roles that EULEX play is the mediation of talks between Belgrade and Prishtina, particularly focussing on the topic of EU accession. This is a role that has developed as time has gone on, and as EULEX has realised that EU accession is one of its most significant bargaining chips in Kosovo, EU requirements have been integrated ever more deeply into EULEX operational policy. Talks remain confidential and EULEX representatives insist they do not have political dialogue with Belgrade (EULEX-PS, 2015), claiming rather that they are merely trying to implement a channel of communication. This emerged as a result of “UN Assembly adopted Resolution 64/298 under which the EU was obliged to facilitate a technical and political dialogue between Kosovo and Serbia, aimed at the normalization of relations between the two” (Beha, 2014, p. 104), and the goals of EU membership are driving relations forward. Prishtina uses EULEX to help with police and judiciary systems, while Belgrade has interests in the north. The dialogue between them would therefore likely result either in an equilibrium being reached, or on one side giving significant ground.

The EU presents a situation under which not only regional peace, but also economic prosperity can be achieved. Narten suggests that “For local groups in Kosovo... the European vision is perceived first and foremost as the prime option for economic prosperity” (Narten, 2009, p. 127), which is a perception often based on the experiences of individuals who have worked in Western Europe.

There are several main points that EULEX has focussed upon in mediatory discussions. On 9th December 2012, the European Council agreed to EU accession negotiations with Serbia once a number of requirements were met, with a focus on the operations of EULEX and KFOR being allowed to go ahead unhindered, since they are unable to move around peacefully in the north, with personnel initially having to be transported by helicopter and now by armoured vehicles. Here there was also a focus on cooperation and normalisation of relations between Serbia and EULEX, focussing on parallel structures in the north, including the active hindrance of the operations of the Kosovo institutions, which the EU takes as a direct sign of disrespect⁶. There must be judicial reform, an anti-corruption strategy, a structure to protect minorities, and regional cooperation, which is a core principle of the EU. EULEX tracks the developing relationship with Kosovo, and will monitor factors such as participation in various regional mechanisms; ensuring the respect of the provisions of Energy Community Treaty; finding solutions for telecommunications issues; continuing to implement in good faith all agreements; continued cooperation with EULEX; and an improvement on relations between Serbia and Kosovo. One of the issues is the Freedom of Movement in the north.

One of the central points of discussion is parallel structures, leading to ‘double jeopardy’ and ‘justice shopping’⁷. Efforts by EULEX to instate local judges and prosecutors are being hampered, meaning that Mitrovica court (part of EULEX mandate) remains only partly operational. Staff are prevented from working; for example, on 28th March 2013 Kosovo Serbs blocked EULEX judges and prosecutors from entering the court due to the fear that Kosovo Albanian judges would be attending the verdict for the March 2008 riot⁸. Additionally, KP officers in the north have been kept on the MUP payroll, leading to confusion over authority. Cooperation has improved, and in 2009 EULEX and Serbia signed an agreement on police cooperation, essential to matters such as border issues. There are still issues in Kosovo with Serb authority, however, such as Serbian vehicle registration law, legal cooperation and data exchange, Serbian Tax and Customs administrations, the operation of Serbian public companies, and a lack of cooperation regarding the International Criminal Police Organization (INTERPOL). There is also continued Serbian Business Registry Agency and Serbian Tax Administration registration of companies, as well as the issuance of Serbian VAT numbers.

Another major issue is that of boundaries with Serbia, which is linked to the claiming of customs charges at borders. Many international documents, including UNSCR1244, consider Kosovo to be a single customs area and legal space, requiring Serbian authorities to recognise Kosovo institutions. The Technical Protocol of the Integrated Border Management Agreement (IBM) is a positive step, but Serbia’s willingness to engage Kosovar counterparts is questionable, as there is little dialogue regarding the flow of persons and goods at borders.⁹

Belgrade continues to dispute Kosovo status as a single legal space and customs area, which means that Kosovo and Serbia cannot form a unity against smuggling and organised crime, and also makes ongoing political dialogue difficult due to underlying tensions¹⁰. “The present European identity within the Kosovar society continues to be largely economy-driven” and “the participation of Kosovo in the European integration process is an integral element of nearly all political party programs within the Kosovo-Albanian community, and does not at all contradict their culturally bridging identity” (Narten, 2009, p. 127). There is clearly a strong desire in Kosovo to become a part of the EU, as it

⁶ Private notes on EULEX document: EULEX Kosovo, CSDP Civilian Mission – Special Report, 22 April 2013

⁷ Ibid.

⁸ Ibid.

⁹ Ibid.

¹⁰ Ibid.

would be economically beneficial. Relations with Serbia are viewed as an inconvenience by most and a hurdle on the route to prosperity. In addition to this, there is a ‘vision of Europe’ that is seen as a “potentially integrating and peacebuilding concept for social groups in Kosovo” (Narten, 2009, p. 127), which could result in not only regional security, but better relations within society at home.

4.8 The meaning behind the discussions

Dialogue between Belgrade and Prishtina regarding the north, and the systems in place in the region, has been behind closed doors; nobody outside knows what has been said. Despite EU-led dialogue between Kosovo and Serbia being “perceived among different communities in Kosovo as a ‘black box’, imposing half-baked and impractical solutions behind closed doors” (PAX, 2014, p. 9), political developments have actually evolved fairly rapidly over the last few years.

The Serb population may be content only if they are included as a part of Serbia; “The population in the Serbian enclaves... would more likely favor Kosovo’s integration into Europe as part of Serbia’s overall integration process” (Narten, 2009, p. 127). However, many Serbs in the north seem resigned to the idea that they will eventually become a part of Kosovo (CBM-MS, 2015), which is a process that has been advanced by the recently elected pro-EU Serbian government. As such, the parallel system in place is ‘forced’ to work with EULEX for the benefit of Serbia, while local Serbs are encouraged to participate in Kosovo politics. Countries such as Germany are reportedly urging Belgrade to ‘play the game’, in order to secure their economic future as part of the EU (EULEX-PS, 2015).

The general population’s lack of knowledge regarding what happens in Brussels is part of the problem. EU meetings are covered by newspaper articles with very few details being published, which confuses and worries local people in the north (CBM-MS, 2015). This lack of transparency and inclusion has been a continuous feature of the discussions, with both sides acting secretly, meaning that the general population have no real idea about how negotiations will affect their daily lives (PAX, 2014, p. 9).

The fact that discussions between Kosovo and Serbia are being had at all, however, confirms to some that there is a chance that Serbia is looking to sacrifice its sovereignty in the region. As previously mentioned, Serbia has been in discussion with the EU about requirements for accession, one of which is the normalisation of relations with Kosovo, which from the EU’s perspective seems to mean the acceptance of Kosovo’s declaration of independence. As a result of playing a mediatory role in Kosovo-Serbia relations, and holding the key to EU accession, the EU in Brussels has emerged as one of the strongest players in regional politics. This is something that the EU is aware of, and Serbia will at least listen, even if the implementation of EU policy is slow.

4.9 Changes in EULEX Policy

EULEX has increasingly realised that EU accession is its strongest card, and has adapted policy implementation accordingly. Whereas policy previously involved working around the Serb parallel system, it now consists of establishing its own rule of law system whilst using the EU bid to force the hand of the Serbian authorities.

Policy has developed slowly, but agreements such as the 2009 agreement on police cooperation and the 15-point plan have had some effect in changing the status of Serb authority in the North. As these increments continue to build up, Serb authorities will be left with increasingly less control, and it is possible that the system will then collapse in all but name, with real power being handed to the new

EULEX system. However, policy change will become gradually more difficult for EULEX as the easier topics are tackled and the more complicated ones are left.

4.10 Conclusion

EULEX effectiveness is dependent on its policy implementation in the north, and requires accommodating behaviour, which is not seen by Prishtina. The complexity of the EU system, combined with the lack of Serb enthusiasm for the Kosovar institutions means that local involvement in policy formation is limited. Although Serbs are included in the institutions, they are involved primarily in implementation rather than policy-making. The continued operation of a parallel rule of law and political system undermines the work of the EU. EULEX has adapted its operations to work around the system of parallel governance for the time being, but it is important for regional security that this does not continue for long enough for the situation to seem normal. This has created a system where the local people feel as though they are being governed by EULEX, rather than being assisted in governing themselves. Both Kosovo and Albania are keen to proceed with accession talks, giving the EU a strong bargaining chip, without which EULEX could be entirely ineffective.

Chapter 5: Conclusions

This chapter will summarise the main conclusions drawn as a result of the thesis, and will lay out some final recommendations. A main focus has been on growing EU ambitions, especially in Serbia, and how this has increasingly been a tool for EULEX. Without this, EULEX has very little to bring to the table, and can be shown to be fairly powerless with regards to its dealings with the elites of the north, as demonstrated by the Serb mayor and municipality continuing to operate regardless.

5.1 Main Points

The first three main points are that there is still a fully operational parallel system in the north, which EULEX operates around. The fact that Serbia continues to essentially govern the region (see 3.1.2) should be a heavy focus of the policies of the international community. Serbia has already shown itself to be willing to negotiate and adopt EULEX policy in the north, which is evidence that Serb-Kosovar integration of systems may become an alternative to attempting to replace the Serb system with a Kosovar one.

Secondly, Serbia's talks with Kosovo and the EULEX leadership in Brussels regarding its role in the north, and its steps towards adoption of EULEX policies, demonstrates that the bid for EU accession by Serbia is a driving force in the process of finding a political solution. The majority of EU countries recognise Kosovo as an independent nation, so Serbia will likely have to sacrifice its claim to Kosovo if it is serious about its EU aspirations. Serbia's adoption of some of the EU's policies regarding Kosovo demonstrates that there is a reasonable likelihood that Serbia is willing to abandon its claim in the country, and the delay is either tactical withdrawal or sentimental stubbornness.

The third main point that has emerged in this thesis is regarding the people's perception of both EULEX and one another. It is clear that the people of the north regard EULEX as rulers. Part of the reason for this is that EULEX has aligned itself with the Kosovar state, and the Serbian minority feel as though their voice will not be heard. In addition to this, there is mistrust and animosity between the Serb and Albanian communities, which has been deepened by measures seemingly geared towards increasing segregation at ground level, such as the continuation of the system of municipalities.

5.2 Summary of Main Findings

In summary, EULEX is arguably using the Serbian and Albanian bids for EU membership to coerce both sides into adopting new policy, and this is fundamentally how policy has changed since EULEX's arrival into Kosovo (see page 32). The EU has realised that renewed Serbian EU ambitions can be used as leverage, as (despite some Serb resistance, see page 22) most EU demands are undertaken by the Serb authorities, even if at a painfully slow pace. All that remains to be done is to implement efficient and effective change.

5.3 Reflection on the policy process of EULEX

The development of EULEX policy has taken a clear path from its initial acceptance of the parallel system in Kosovo, and attempting to work alongside it, to now attempting to oust the system entirely and replace it with a solely Kosovar one.

As previously mentioned, the Serbian bid for EU accession has taken a central role in shaping the development of EULEX policy. For example, EULEX's freedom of movement in the north has now been formally included in the policy documentation linked to accession, demonstrating the concrete link.

5.4 A look back at the theory

This thesis has attempted to demonstrate how Barnett and Zurcher's 2009 theory that elite actors have fundamentally different objectives in their pursuit of cooperation and coordination, and that they also create a 'peacebuilding game' by interacting strategically with one another, is relevant in Kosovo (see Chapter 2). The objectives of EULEX, Belgrade and Prishtina are all fundamentally different, but every party is playing the peacebuilding game that will result in 'compromised peace', where an equilibrium will be reached. Kosovo is arguably likely to continue its stance as an independent country, EULEX will continue to make gains in rule of law (as demonstrated by the incremental development of legislation, as discussed in 4.10), and Belgrade will likely gain EU membership. In order for these goals to be reached, each side will have to give way on something. Kosovo will have to accept the unwillingness of the Serb minority in recognising Prishtina's authority, EULEX will have to work around the slow rate of change and the resistance of the Serbs, and Belgrade will need to deal with the loss of sovereignty in the north.

5.5 The Future of EULEX

Following the research and analysis that has taken place during the process of this thesis, there are a number of actions that can be suggested regarding the system of parallel governance in Kosovo in order to maintain peace and ethnic harmony.

Firstly, it is clear that Serb political, economic and social power must be reduced in the municipalities, using Serbia's EU accession bid to overrule their parallel systems in the North. Any ongoing Serb involvement in the region is merely making the process of establishing independence and gaining EU accession slower and more complicated, and gives the Serb population of the north false hope. The EU should not tolerate the behaviour of Serbia in the north, and should use the EU bid more strongly as a bargaining chip. Belgrade must respect agreements made if it wishes to continue accession negotiations, and must show evidence of extracting Serbian legal order from Kosovo and accepting Kosovo as a single legal space. Furthermore, Serbia must dismantle the parallel structures of health and education, eradicate the system of municipalities, and cease any actions which hinder the activities of EULEX. Serbia must accept that it cannot have a proxy ruler outside of EU-recognised borders if it has serious EU aspirations. EULEX may either acknowledge the Serb mayor and pay him, or reject him and forcefully negotiate his removal. EULEX should make the Serb population aware of how they would fit in to the Kosovar state, and take Serb grievances into account, rather than proceeding without informing the population of their operations, and without integration.

Secondly, EU ground-staff in Kosovo require greater flexibility in policy development and integration. EULEX's role is implementation, with all of the main decisions being made in Brussels, some of which are based on recommendations made from EU staff in Kosovo (see page 19). Thus the process of implementing even a single new policy can be an excruciatingly long process. Relocating more decision-making staff to Kosovo or expanding EULEX's mandate to give them some flexibility in policy development would streamline the process. Whilst political discussions between Prishtina and Belgrade can continue to be mediated from Brussels (see page 30), in order to adapt the international intervention to local agendas, and to local changes in context, it would be beneficial to have primary decision-makers on the ground. While it is crucial that policy change is undertaken carefully, it is also important to have some pace, with some degree of sequencing to ease the process into reality (Borgh, 2014).

Thirdly, this research has demonstrated that the integration of Serbs into Kosovo could be improved. The system of municipalities does not seem to benefit the general population in any great way. In the past (under Tito), there was a rough peace between Albanians and Serbs, and the international

community must consider which methods were most effective then and adapt them to fit a contemporary setting. Although there has been some discussion regarding the possibility of Serb integration into Serbia, and Kosovar integration into Albania, this sort of dramatic change cannot be seen as arbitrary, and the complexity of such a change would bring into question the conditions of state sovereignty in the area. As such, two options present themselves. The straightforward choice would be to leave the municipalities as they are, and accept the segregation (in accordance with the Ahtisaari plan). However, this system encourages segregation and gives the inhabitants of municipalities a feeling that they are part of Serbia, rather than Kosovo. The second option is to enforce the Serbian withdrawal from the municipalities so that the Serb and Albanian communities can start to integrate. In addition to this, integration of political and rule of law entities could help solve some confusion amongst the population. The current EU policy is to remove the Serb parallel system and replace it with a new Kosovar one, but by attempting to combine the two systems EULEX would arguably create less animosity amongst the Serb population who feel as though their system is being forced out. Similarly, the political system could be integrated rather than replaced, keeping the focus on practical solutions, rather than ideological ones (Brinkerhoff, 2005).

The fourth action that could enhance progress in Kosovo is the proactive building of local trust in EULEX, and the continuity of operations. UNMIK was more popular because it was one of the original intervention forces in the Kosovo Conflict, whereas EULEX came significantly later. With hindsight, the rule of law mission may have been more successful had it continued from UNMIK, rather than being transferred to EULEX. In addition, the perceived corruption and bias of EULEX is also damaging to the organisation's image. For now, it is important that the continuity of EULEX operations is focussed upon, and that they are not passed to another organisation in the way that the military to civil shift was essentially handed from the UN to the EU. Furthermore, the Kosovar population do not appear to feel an involvement in EULEX operations, suggesting that the popularity and therefore effectiveness of EULEX could be improved by increasing local involvement in policy development, and making a public effort to take the opinions of local people into account, eliminating the "culture of patron-client relationships" (Beha, 2012, p. 198). There is a point at which the Kosovar state must not be hesitant to exercise its right to sovereignty and make firm decisions, both about Kosovo and EULEX. This applies to the legal system and to government as well, as a transfer to "democratically elected structures of local self government would result in judicially enforceable responsibility, as well as liability of state actors for abuses and omissions of power without general immunity" (Narten, 2009, p. 131). In short, greater local control of international policy would benefit policy development and implementation in Kosovo.

Finally, the effectiveness of EULEX is directly proportional to whether people want what it offers, and it may be possible to gain public respect for EULEX through the demonstration of positive minority relations. Serb-Albanian relations could be improved in a number of ways; firstly, reinstating a system in which Albanians learn Serbian and Serbs learn Albanian, particularly in schools and the civil service, would reduce segregation. It is unlikely that everyone would be willing to cooperate with such a system, but the government at least needs to give the opportunity, in order to assist those who later develop an interest in language. This is of course a huge measure, and one that is more likely to be undertaken if those primarily affected request it. In addition to this, more attention needs to be paid to increasing Serb awareness of minority rights legislation (Beha, 2014, p. 106), so that people are aware of what their rights are under the Kosovar state. There is some misconception amongst Serb minorities that they would be ignored and neglected by the state when in need.

5.6 Conclusion

There seems to be some public desire for peace and reconciliation in the north, and it does look as though it will be forthcoming, albeit slowly. The international community, and primarily EULEX, must focus on accelerating the process by, most importantly, streamlining the EU system, increasing flexibility, easing implementation through positive relations, and using the weight of EU accession bids more heavily to benefit policy success. In time, the Kosovar community, both Serb and Albanian, may be peacefully governed from Prishtina, but for now EULEX remains a vital and significant force, with little hope of an imminent departure (CBM-MS, 2015) (EULEX-PS, 2015). Inefficiency and over-cautiousness are the biggest obstacles to EULEX policy implementation and development in Kosovo, and bold steps could improve Serb-Albanian relations on a local and international scale.

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Appendix I: Images



Fig. 1: 'Border' bridge in Mitrovica, from the middle, looking towards the Albanian side



Fig. 2: Anti-EU graffiti in Mitrovica